

Attorney Docket No.: 19374-501 (GND-1)

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor of the subject matter (an original, first and joint inventor) which is claimed and for which a utility patent is sought on the invention entitled:

TOPICAL USE OF PROBIOTIC BACILLUS SPORES TO PREVENT OR CONTROL INFECTIONS

the specification of which:

- ☒ was filed on April 18, 1997, as United States Provisional Application U.S.S.N. 60/044,643, bearing Attorney Docket No. 19374-501.
- ☐ is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

- ☒ I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application designating at least one country other than the United States listed below and have also identified below any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

[illegible]

- ☒ I hereby claim the benefit under Title 35, United States Code, § 119(e) or §120 of any United States application(s), or §365(c) of any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

Application No. <i>(U.S.S.N.)</i>	Filing Date <i>(dd/mm/yy)</i>	Status <i>(Patented, Pending, Abandoned)</i>
60/044,643	04/18/97	Abandoned

PCT International Applications designating the United States:

PCT Appln No.	US Serial No.	PCT Filing Date	Status
PCT/US98/07307		04/10/98	Pending

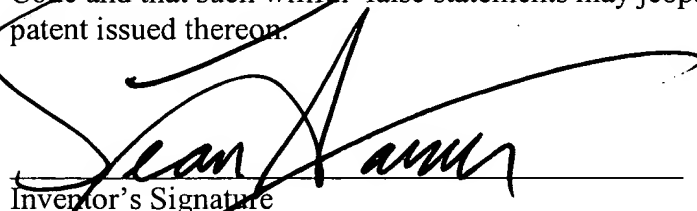
I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Attorney or Agent	Registration No.	Attorney or Agent	Registration No.
David B. Bernstein	32,112	Leslie Meyer-Leon	37,381
David F. Crosby	36,400	A. Jason Mirabito	28,161
James G. Cullem	43,569	Michel Morency	Limited Recognition
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John A. Harre	37,345	Carol H. Peters	45,010
Shane Hunter	41,858	Thomas M. Sullivan	39,392
David E. Johnson	41,874	Howard Susser	33,556
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Kristin E. Konzak	44,848	Martin M. Zoltick	35,745
Cynthia Kozakiewicz	42,764		
William Marino	44,219		

Address all telephone calls to Ivor R. Elrifi at telephone number 617/348-1747.
Address all correspondence to:

Ivor R. Elrifi
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, Massachusetts 02111

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or patent issued thereon.



Inventor's Signature

2/11/00
Date

Full Name of Inventor: Sean Farmer

Citizenship: United States

Residence: 8938-6 Villa La Jolla Drive, La Jolla, California 92037

Post Office Address: SAME

TRADOCS:1294479.1(RQTR01!.DOC)
02/10/00

**SEE ATTACHED CALIFORNIA
ALL-PURPOSE ACKNOWLEDGMENT**

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On February 11, 2000 before me, Marjorie Horschler, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Sean Farmer
Name(s) of Signer(s)

☐ personally known to me – OR – ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Marjorie Horschler
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Combined Declaration & Power of Attorney...

Document Date: Filed 04-18-1997 Number of Pages: 3

Signer(s) Other Than Named Above: n/a

Capacity(ies) Claimed by Signer(s)

Signer's Name: Sean Farmer

- ☒ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing:

Himself

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer
Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Farmer
ASSIGNEE: GANEDEN BIO TECH, INC.
U.S. SERIAL NUMBER: 60/044,643
U.S. FILING DATE: April 18, 1997
INTERNATIONAL APPLICATION NUMBER: PCT/US98/07307
INTERNATIONAL FILING DATE: April 10, 1998
FOR: TOPICAL USE OF PROBIOTIC BACILLUS SPORES TO PREVENT OR CONTROL INFECTIONS

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c) – SMALL BUSINESS CONCERN)**

I hereby state that I am an official of the small business concern empowered to act on behalf of the concern identified below:

GANEDEN BIO TECH, INC.
5940 Pacific Mesa Court, #209
San Diego, California 92121

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 C.F.R. § 121, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above;
☒ the application identified above; or
☐ the patent identified above.

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0005 RAM 0-0 071005
If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

☒
☐

no such person, concern, or organization exists.

each such person, concern, or organization is listed below:

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. 37 C.F.R. §1.28(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing:

Andrew R. Lefkowitz, Esq.

Title in organization of person signing:

General Counsel & V.P. of Corporate Development

Address of person signing:

GANEDEN BIOTECH, INC.
5940 Pacific Mesa Court, #209
San Diego, California 92121

Signature: _____

ARL

Date: _____

2/11/00